In the High Court of Judicature at Madras

Dated: 05.02.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Appeal No.943 of 2002

V.Barathadevi .. Appellant/Petitioner

Vs..

1.The President,
Vazhkai Village Panchayat,
Nannilam Taluk.

2.The District Revenue Officer,
Thiruvarur.

3.The District Collector,
Thiruvarur. .. Respondents/Respondent

Writ Appeal filed under Clause 15 of the Letters Patent Appeal against the order passed in W.P.No.5312 of 2001 dated 11.04.2001. Presented to this court under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records in Na.Ka.No. 8061/2000/AA1 dated 22.01.2001 on the file of the 2nd Respondent and quash the same.

For Appellant : Mr.K.Srinivasan

For 1st respondent : No appearance

For respondent s 2 & 3 : Mr. P.Subramanian, Government Advocate

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeal is directed against the order dated 11.04.2001 made in W.P.No.5312 of 2001.

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2. Aggrieved by the order of the Revisional Authority-the District Revenue Officer, Thiruvarur, dated 22.01.2001, the petitioner has filed the above writ petition. Before the learned single Judge, it was contended that no proper notice was issued for the enquiry before the Revenue Divisional Officer, Thiruvarur. In so far as the said contention, the learned single Judge has verified the address furnished as well the order passed by the Revenue Divisional Officer, Thiruvarur. The verification shows that the address of the petitioner has been correctly mentioned. As a matter of fact, the records show that the petitioner had refused to receive the notice for enquiry. In such circumstances, we are of the view that the learned single Judge has rightly rejected the first contention.

3. The second contention of the petitioner was that there is a civil dispute between herself and one Vayapuri as the appellants and one Kodiyan and others as the respondents, which is pending before this Court by way of second appeal in S.A.No.1213 of 1999. The learned single Judge has verified the relief prayed for in the civil proceedings and after finding that the same relates to possessory right of the parties, and has nothing to do with the cancellation of patta and pointing out the direction of this Court in W.P.No.11438 of 1999 dated 05.07.1999 to the official respondent for proceeding with the enquiry, rejected the said contention. We have also verified the above mentioned particulars and we are in agreement with the said conclusion.

4. In the light of the above discussion, we do not find any valid ground for interference. Consequently, the writ appeal fails and the same is dismissed. No costs. It is made clear that the present conclusion of us relates to patta proceedings and we have not expressed the right of the any of the parties with regard to the civil proceedings pending before this Court.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The District Revenue Officer,
Thiruvarur.

2.The District Collector,
Thiruvarur.

+ 1 cc to the Government Pleader, SR No.6816

AKM(CO)
SR/14.2.2007 W.A. No.943 of 2002

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